

# **EXHIBIT 1**



OFFICE OF THE  
COUNTY ATTORNEY

## COUNTY OF CHESTERFIELD

P. O. Box 40

9901 LORI ROAD, SUITE 503

CHESTERFIELD, VIRGINIA 23832-0040

TELEPHONE (804) 748-1491 FACSIMILE (804) 717-6297  
INTERNET: countyattorney@co.chesterfield.va.us

STEVEN L. MICAS  
COUNTY ATTORNEY

JEFFREY L. MINCKS  
DEPUTY COUNTY ATTORNEY  
STYLIAN P. PARTHEMOU  
MICHAEL S. J. CHERNAU  
SR. ASST. COUNTY ATTORNEYS  
MICHAEL P. KOZAK  
DAVID W. ROBINSON  
LOLA M. RODRIGUEZ  
ASSISTANT COUNTY ATTORNEYS

September 30, 2003

**By Facsimile (804) 772-1026**  
**& Regular U.S. Mail**

Ms. P. J. Rhyne  
Communications Representative  
Verizon Network Services  
600 East Main Street, Sixth Floor  
Richmond, Virginia 23219

Re: Chesterfield County 911 Tariffs

Dear Ms. Rhyne:

As you know, the County is still awaiting a resolution of the issue dealing with possible duplicated or overlapping billing for E-911 service. As you will remember, in 2000, we began receiving billing from Cavalier Telephone for E-911 services.

At that time, we reached an agreement to withhold payment from Verizon in the amount of the Cavalier billing and hold it until the matter was resolved. The County initially withheld \$9,187.50 and then subsequently withheld \$3,012.98. To date, this money has been escrowed pending resolution of this matter by the SCC.

In reviewing our records, it has been determined that Chesterfield County has continued to receive bills from Cavalier Telephone for this disputed service. The bills now total \$34,799.43, including late charges. The County needs to continue withholding an amount that is equal to the Cavalier billing until a resolution is reached. Accordingly, at this point, the County needs to withhold \$22,598.95 to ensure sufficient funds are available for distribution when a solution is achieved.

Therefore, beginning with the next billing, the County is planning on withholding payment of our Verizon bill until the \$34,799.43 amount has been covered and will continue to withhold the amount of future Cavalier monthly billings, in an attempt to maintain the status quo.

While the County obviously has no quarrel with paying the proper tariff to the appropriate carrier, we do not want to be put in the position where we have paid both Verizon

Ms. P.J. Rhyne  
September 30, 2003  
Page 2

and Cavalier for the same telephone line and services. This is one of the precise issues pending before the SCC.

Again, thank you for your consideration in agreeing to waive any late charges while we attempt to solve this problem. Of course, please give me a call if you have any questions.

Sincerely,



Michael P. Kozak  
Assistant County Attorney

cc: Barbara H. Mayfield, Director, Emergency Communications  
James McDonnell, Operations Support Manager  
Donna Tucker, Accounting

1325.63019.1

# **EXHIBIT 2**

<b>XDSL Loop Qualification and Conditioning</b>	<b>Rate</b>	<b>Source</b>
Manual Loop Qualification	\$93.70	Rate in an interconnection agreement that is equal to or lower than comparable rate in NY.
Engineering Query	\$121.37	Rate in an interconnection agreement that is equal to or lower than comparable rate in NY.
Engineering Work Order	\$500.90	Rate in an interconnection agreement that is equal to or lower than comparable rate in NY.
Bridge Tap Removal – One Occurrence	\$177.48	Rate in an interconnection agreement that is equal to or lower than comparable rate in NY.
Bridge Tap Removal – Multiple Occurrence	\$430.79	Rate in an interconnection agreement that is equal to or lower than comparable rate in NY.
Load Coil Removal – 21,000 Feet	\$707.99	Rate in an interconnection agreement that is equal to or lower than comparable rate in NY.
Load Coil Removal – 27,000 Feet	\$941.06	Rate in an interconnection agreement that is equal to or lower than comparable rate in NY.
Cooperative Testing	\$28.18	Rate in an interconnection agreement that is equal to or lower than comparable rate in NY.
Mechanized Loop Qualifications	\$0.40	Rate in an interconnection agreement that is equal to or lower than comparable rate in NY.
WideBand Test Access System	\$1.69	Rate in an interconnection agreement that is equal to or lower than comparable rate in NY.
ISDN Electronics	\$929.08	NY rate.

# **EXHIBIT 3**

production of every document that is arguably responsive to this request. Further, Cavalier was unable to devise a timely means of generating non-confidential and non-customer-specific analyses of the underlying data.

#### **Issue 10**

**Request for Production C10-1** Provide all dark fiber maps that Cavalier has received from the “typical vendors” as referenced in the direct testimony of Matt Ashenden at page 3, lines 15-18.

**Objection and Response** Cavalier further objects to the request as overly broad and unduly burdensome because it requests “all” dark fiber maps of the type described by Mr. Ashenden, when a sample of such maps should be sufficient. Cavalier further objects to the request because it requests documents that are subject to non-disclosure agreements or confidentiality restrictions with third parties. Subject to and without waiver of its objections, Cavalier responds that it has not yet obtained waiver of any third-party confidentiality obligations, but Cavalier has produced a confidential document, subject to the protective order in this proceeding and Bates-numbered C00101, that shows Cavalier’s dark fiber map for Cavalier’s Richmond, Virginia network, which Cavalier uses in discussions with its prospective customers.

**Request for Production C10-2** Provide all documents to support the assertion in the direct testimony of Matt Ashenden at page 4, lines 10-12 that there are “conflict[s] between records review and [] field survey[s] ”

**Objection and Response** Cavalier further objects to the request as mischaracterizing Mr. Ashenden’s testimony at the cited portion of his testimony. Cavalier also objects to the request as overly broad and unduly burdensome because it requests “all” documents that support an assertion, when Verizon should have all documents related to its own “records review” and “field survey[s] ” Cavalier also objects to the request because the information supporting Mr. Ashenden’s testimony in this general area may not exist in the form of documents. Subject to and without waiver of its objections, Cavalier responds that correspondence between Cavalier and Verizon concerning dark fiber between (a) Verizon’s Brickell central office and a customer location in Norfolk, Virginia, and (b) Verizon’s Herndon central office and a customer located in Herndon, Virginia. Cavalier is still gathering documents responsive to this request and reserves the right to supplement its production as these documents become available.

**Request for Admission C10-1:** Admit that Cavalier is not aware that any other CLEC has an interconnection agreement with Verizon containing Cavalier’s proposed Sections relating to Issue C10.

**Objection** Cavalier objects to the request as irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, because it inquires into Verizon’s interconnection agreements with other carriers and not with Cavalier, when it is Verizon’s interconnection agreement with Cavalier that is the subject of this proceeding. Cavalier further objects to the request to the extent that it seeks to impose upon Cavalier

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition of Cavalier Telephone, LLC	)	WC Docket No 02-359
Pursuant to Section 252(e)(5) of the	)	
Communications Act for Preemption	)	
of the Jurisdiction of the Virginia State	)	
Corporation Commission Regarding	)	
Interconnection Disputes with Verizon	)	
Virginia, Inc and for Arbitration	)	

**CAVALIER TELEPHONE, LLC'S SUPPLEMENTAL RESPONSE TO VERIZON  
VIRGINIA, INC.'s SECOND SET OF COMBINED INTERROGATORIES, REQUESTS  
FOR ADMISSION AND DOCUMENT REQUESTS**

Pursuant to the *Procedures Established for Arbitration of an Interconnection Agreement Between Verizon and Cavalier*, WC Docket No 02-359, Public Notice (rel August 25, 2003), petitioner, Cavalier Telephone, LLC ("Cavalier"), supplements its October 10, 2003 response to Verizon Virginia Inc.'s Second Set of Combined Interrogatories, Requests for Admission and Document Requests to Cavalier served by Verizon Virginia Inc ("Verizon") on September 25, 2003.

**RESPONSE**

Subject to and without waiver of its previously stated general objections and its previously stated specific objections, Cavalier further responds to Verizon's discovery requests as follows:

<b>Issue 10</b>
-----------------

**Request for Production C10-1** Provide all dark fiber maps that Cavalier has received from the "typical vendors" as referenced in the direct testimony of Matt Ashenden at page 3, lines 15-18



**Supplemental Response** Subject to and without waiver of its objections, Cavalier further responds that it still has not obtained waiver of applicable third-party confidentiality obligations, but Cavalier identifies the following vendors who provide maps in the same general format as that described in Mr. Ashenden's testimony.

Abovenet (formerly known as MFN),  
Xspedius (formerly known as ACSI or espire),  
Looking Glass Networks,  
Level 3 Communications, and  
City Signal Communications

Dated: October 23, 2003.

Respectfully submitted,



Stephen T. Perkins (VA Bar #38483)  
Cavalier Telephone, LLC  
2134 West Laburnum Avenue  
Richmond, Virginia 23227-4342  
Telephone 804 422 4517  
Facsimile 804.422.4599  
e-mail [sp Perkins@cavtel.com](mailto:sp Perkins@cavtel.com)

- and -

Richard U. Stubbs (MA Bar # 563207)  
Cavalier Telephone Mid-Atlantic, LLC  
965 Thomas Drive  
Warminster, Pennsylvania 18974  
Telephone 267.803 4002  
Facsimile 267.803.4147  
e-mail [rstubbs@cavtel.com](mailto:rstubbs@cavtel.com)

# **EXHIBIT 4**

### **Issue C16**

**Request for Production C16-1:** Provide all documents upon which Cavalier intends to rely to support its assertion that the current pole attachment application process is “inefficient and costly” and should be replaced (Cavalier’s Exhibit A at 3-4).

**Response:** Cavalier refers to its prefiled testimony on this issue and will further produce all responsive documents not subject to privilege or other protection

### **Issue C17**

**Interrogatory C17-1:** Identify all instances in which Verizon has won back a Cavalier customer as a result of a misdirected repair call since January 1, 2000.

**Response** Cavalier will produce all responsive documents not subject to privilege or other protection, but notes that its proposed contract language on this point is not restricted to “misdirected repair calls” but instead refers to “misdirected calls.”

**Interrogatory C17-2:** Identify all instances in which a Verizon service representative has disparaged Cavalier during a misdirected repair call since January 1, 2000.

**Response:** Cavalier will produce all responsive documents not subject to privilege or other protection.

**Interrogatory C17-3:** Identify all instances in which Verizon offered a Cavalier customer discounted Yellow Pages advertising in order to win that Customer back from Cavalier since January 1, 2000.

**Response.** Cavalier will produce all responsive documents not subject to privilege or other protection

**Request for Production C17-1:** Provide all documents upon which Cavalier intends to rely to support its demand that a series of penalties be included in the parties’

emailsRev

-----Original Message-----

From: Hibbard, Julie  
Sent: Thursday, June 26, 2003 4:34 PM  
To: Zitz, Mark  
Subject: RE: VZ sales tactics

CUSTOMER # 3095176 - This customer had left a message on our after-hours voice mail stating that a Verizon sales person had called him telling

him that since Verizon is charging Cavalier so much for his lines, and that he needed a list of all phone numbers so that he could make sure that

Cavalier refunded him with the amount that we had over charged.

Customer # 3137032

Note type: Customer Service

Jeanne called to inform us that a person from Verizon stated he was calling all cavalier customers to let them know that verizon was charging cavalier customers more than they should on line charges> 4/24/03 16:49 LSCHOOLE 0/00/00

Note type: Customer Service

cont>> stated that they were being charged for res line charge and not biz line charge stated there was a lawsuit pending on this and she would rec approx. \$6 00 per line per mth for the last yr >> 4/24/03 16:50 LSCHOOLE 0/00/00

Note type: Customer Service

cont>> asked customer to give him all her tel#'s so that he could file adj for h er through cavalier stated cavalier would be sending her a refund. advised cust we did not know anything about this ls 4/24/03 16:52 LSCHOOLE 0/00/00 +  
(C) Copyright Aptis, Inc.

Costello Design- Verizon Sales rep advised our customer that it is illegal for Cavalier to force our customer's to sign contracts. They stated that

we are monopolizing the market. They stated that we are only charging the FSLC for LD. (all new cav lines he was not an ex Verizon customer)

-----Original Message-----

From: Reigner, Robert  
Sent: Friday, June 20, 2003 3:13 PM  
To: Clift, Marty  
Subject: FW: Autobahn Auto - 1 line account

Marty,

This doesn't seem right What can be done ?

-----Original Message-----

From: Robinson, Kristina  
Sent: Friday, June 20, 2003 3:09 PM  
To: Reigner, Robert  
Subject: FW: Autobahn Auto - 1 line account

FYI . what can we do to save 'em???????

-----Original Message-----

From: Roestenberg, Monica  
Sent: Friday, June 20, 2003 2:53 PM  
To: Robinson, Kristina  
Cc: Charnock, Tammy  
Subject: Autobahn Auto - 1 line account

Hi Kris,

This customer just cutover to us on 5/16, and is scheduled to go back to Verizon on 6/27.  
I emailed the agent, Bob Bullock, to let him know they were on the Winback list.  
He called the customer and found out Verizon offered them six free months of Yellow Page advertising to come back!

Monica Roestenberg  
Cavalier Business Communications  
Channel Sales Customer Advocate  
1319 Ingleside Rd  
Norfolk, VA 23502  
(757) 248-4134  
(757) 248-4042 fax

-----Original Message-----

From: Hibbard, Julie  
Sent: Thursday, June 26, 2003 4:34 PM  
To: Zitz, Mark  
Subject: RE: VZ sales tactics

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Customer # 3137032

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Note type: Customer Service

cont>> stated that they were being charged for res line charge and not biz line charge. stated there was a lawsuit pending on this and she would rec approx. \$600 per line per mth for the last yr.>> 4/24/03 16:50 LSCHOOLE 0/00/00

Note type: Customer Service

cont>> asked customer to give him all her tel#'s so that he could file adj for her through cavalier stated cavalier would be sending her a refund. advised cust we did not know anything about this ls 4/24/03 16:52 LSCHOOLE 0/00/00 +

(C) Copyright Aptis, Inc

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we are monopolizing the market They stated that we are only charging the FSLC for LD (all new cav lines he was not an ex Verizon customer)

From: Perkins, Stephen  
Sent: Wednesday, July 09, 2003 3:01 PM  
To: 'christos t antoniou@verizon.com'; 'jennifer.l.mcclellan@verizon.com'  
Subject: VA marketing tactics

Chris and Jennifer

Further to my discussions with Chris about trying to move toward a more normal business relationship, please review the attached and see what

you can do (Full version is coming by fax ) Cavalier's business side is quite agitated about this issue, as Verizon marketing reps seem to know

that customers are Cavalier customers.

Thanks and regards,

Stephen T Perkins  
General Counsel  
Cavalier Telephone, LLC  
2134 West Laburnum Avenue  
Richmond, Virginia 23227-4342  
Telephone 804 422.4517  
Fax 804.422 4599  
e-mail: sperkins@cavtel.com  
www.cavtel.com

From: Perkins, Stephen  
Sent: Wednesday, July 09, 2003 7 12 PM  
To: 'christos t.antonou@verizon.com'  
Subject: RE VA marketing tactics

Chris.

Thank you for your prompt response. Listed below is the available information, to the best of my knowledge, for the three examples mentioned in

my letter

1 Autobahn Auto

emailsRev

915 North Armistead Avenue  
Hampton, Virginia 23669  
BTN 757 723 21112  
Approximate date of contact 5/30/03  
Cut over to Cavalier 5/16/03  
Winback to Verizon 6/27/03

2. Dr T Michael Burke  
10607 Patterson Avenue  
Richmond, Virginia 23233  
BTN 804 741 7100  
Approximate date of contact unknown (trying to get additional information)
3. Cavalier Flooring Systems  
2251 Dabney Road, Suite D  
Richmond, Virginia 23230  
BTN 804 254 7700  
Approximate date of contact 4/24/03 (Cavalier notes are from 4/24/03 at 16.49 )

I am out of the office tomorrow through next Monday, but I will see what additional information I can find for date and time of contact for each of

these customers

Thanks again for initiating efforts to address Cavalier's concerns.

Stephen T Perkins  
General Counsel  
Cavalier Telephone, LLC  
2134 West Laburnum Avenue  
Richmond, Virginia 23227-4342  
Telephone 804 422 4517  
Fax 804.422 4599  
e-mail: [sperkins@cavtel.com](mailto:sperkins@cavtel.com)  
[www.cavtel.com](http://www.cavtel.com)

-----Original Message-----

From: [christos.t antoniou@verizon.com](mailto:christos.t.antoniou@verizon.com)  
[mailto:[christos.t antoniou@verizon.com](mailto:christos.t antoniou@verizon.com)]  
Sent Wednesday, July 09, 2003 5 33 PM  
To: Perkins, Stephen  
Subject: Re VA marketing tactics

Steve,

Further to our calls this afternoon, thanks for raising these matters with me.

I have read your letter attached to the e-mail below. This is to assure you that Verizon will promptly investigate the items raised in your letter

emailsRev

To that end, as we discussed, Verizon requests relevant information with respect to the customer contacts referenced in your letter (as well as any other customer contacts of which Cavalier is aware that it believes Verizon should investigate). For example, what telephone numbers were called, on what date (with times, if available), what addresses are associated with the numbers? Such information would be used by Verizon to conduct its investigation and would not be used for marketing. Thanks again.

Chris

Chris T. Antoniou  
Assistant General Counsel  
Verizon  
1515 North Court House Road  
Suite 500  
Arlington, VA 22201  
(703) 351-3006 (phone)  
(703) 351-3660 (fax)  
christos.t.antoniou@verizon.com

"Perkins,  
Stephen" To Christos T. Antoniou/EMPL/VA/Verizon@VZNotes,  
<sperkins@cavtel.com> Jennifer L. McClellan/EMPL/VA/Verizon@VZNotes  
cc  
Subject VA marketing tactics  
07/09/2003 03:01  
PM

Chris and Jennifer

Further to my discussions with Chris about trying to move toward a more normal business relationship, please review the attached and see what you can do. (Full version is coming by fax.) Cavalier's business side is quite agitated about this issue, as Verizon marketing reps seem to know that customers are Cavalier customers.

Thanks and regards,

Stephen T. Perkins  
General Counsel  
Cavalier Telephone, LLC  
2134 West Laburnum Avenue  
Richmond, Virginia 23227-4342  
Telephone 804.422.4517  
Fax 804.422.4599  
e-mail: sperkins@cavtel.com  
www.cavtel.com



<<mktg-tactics pdf>>

(See attached file: mktg-tactics.pdf)

-----Original Message-----

From: Perkins, Stephen

Sent: Wednesday, July 09, 2003 7:12 PM

To: 'christos.t.antoniou@verizon.com'

Subject: RE: VA marketing tactics

Chris:

Thank you for your prompt response. Listed below is the available information, to the best of my knowledge, for the three examples mentioned in

my letter.

- 1       Autobahn Auto  
          915 North Armistead Avenue  
          Hampton, Virginia 23669  
          BTN 757.723.21112  
          Approximate date of contact 5/30/03  
          Cut over to Cavalier 5/16/03  
          Winback to Verizon 6/27/03
- 2       Dr. T. Michael Burke  
          10607 Patterson Avenue  
          Richmond, Virginia 23233  
          BTN 804 741 7100  
          Approximate date of contact unknown (trying to get additional information)
- 3       Cavalier Flooring Systems  
          2251 Dabney Road, Suite D  
          Richmond, Virginia 23230  
          BTN 804 254 7700  
          Approximate date of contact 4/24/03 (Cavalier notes are from 4/24/03 at 16:49.)

I am out of the office tomorrow through next Monday, but I will see what additional information I can find for date and time of contact for each of

these customers

Thanks again for initiating efforts to address Cavalier's concerns.

Stephen T. Perkins

General Counsel

Cavalier Telephone, LLC

2134 West Laburnum Avenue

Richmond, Virginia 23227-4342

Telephone 804 422 4517

Fax 804.422 4599

e-mail: sperkins@cavtel.com

www.cavtel.com

-----Original Message-----

From: christos.t.antoniou@verizon.com  
[mailto:christos.t.antoniou@verizon.com]  
Sent: Wednesday, July 09, 2003 5:33 PM  
To: Perkins, Stephen  
Subject: Re: VA marketing tactics

Steve,

Further to our calls this afternoon, thanks for raising these matters with me

I have read your letter attached to the e-mail below. This is to assure you that Verizon will promptly investigate the items raised in your letter. To that end, as we discussed, Verizon requests relevant information with respect to the customer contacts referenced in your letter (as well as any other customer contacts of which Cavalier is aware that it believes Verizon should investigate). For example, what telephone numbers were called, on what date (with times, if available), what addresses are associated with the numbers? Such information would be used by Verizon to conduct its investigation and would not be used for marketing. Thanks again.

Chris

Chris T. Antoniou  
Assistant General Counsel  
Verizon  
1515 North Court House Road  
Suite 500  
Arlington, VA 22201  
(703) 351-3006 (phone)  
(703) 351-3660 (fax)  
christos.t.antoniou@verizon.com

From: Perkins, Stephen  
Sent: Monday, July 28, 2003 9:33 AM  
To: 'christos.t.antoniou@verizon.com'  
Subject: RE: VA marketing tactics

Any update on Verizon's investigation?

-----Original Message-----

From: christos.t.antoniou@verizon.com  
[mailto:christos.t.antoniou@verizon.com]  
Sent: Wednesday, July 16, 2003 2:16 PM  
To: Perkins, Stephen

emailsRev

Subject RE: VA marketing tactics

Thanks, Steve I've been out of the office as well, but will forward your note to the individuals who have been working this.

Chris

Chris T Antoniou  
Assistant General Counsel  
Verizon  
1515 North Court House Road  
Suite 500  
Arlington, VA 22201  
(703) 351-3006 (phone)  
(703) 351-3660 (fax)  
christos.t.antoniou@verizon.com

"Perkins,  
Stephen" To Christos T. Antoniou/EMPL/VA/Verizon@VZNotes  
<sparkins@cavtel.com> cc  
Subject: RE: VA marketing tactics

07/15/2003 08.40  
AM

Chris.

Sorry for the delayed response--I have been out of the office The information that I gave you tracked the three examples sequentially (first example, first customer and number, etc.)

Thanks again for looking into this

Steve

-----Original Message-----  
From: christos.t.antoniou@verizon.com  
[mailto:christos.t.antoniou@verizon.com]  
Sent: Thursday, July 10, 2003 9:40 AM  
To: Perkins, Stephen  
Subject: RE: VA marketing tactics

Steve,

emailsRev

Thanks again for the information below. To assist Verizon with its investigation, I would appreciate it if you would let me know which of the phone numbers below is associated with each particular item set forth in your letter. Thanks in advance.

Chris Antoniou  
Assistant General Counsel  
Verizon  
(703) 351-3006 (phone)  
(703) 351-3660 (fax)  
christos t antoniou@verizon.com

"Perkins,

Stephen" To Christos T.  
Antoniou/EMPL/VA/Verizon@VZNotes  
<sparkins@cavtel. cc  
com> Subject: RE: VA marketing  
tactics

07/09/2003 07:12

PM

Chris

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915 North Armistead Avenue  
Hampton, Virginia 23669  
BTN 757 723 21112  
Approximate date of contact 5/30/03  
Cut over to Cavalier 5/16/03  
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10607 Patterson Avenue  
Richmond, Virginia 23233

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BTN 804.741 7100

Approximate date of contact unknown (trying to get additional information)

3. Cavalier Flooring Systems

2251 Dabney Road, Suite D

Richmond, Virginia 23230

BTN 804.254.7700

Approximate date of contact. 4/24/03 (Cavalier notes are from 4/24/03 at 16:49 )

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Telephone 804.422 4517

Fax 804 422 4599

e-mail. sperkins@cavtel.com

www.cavtel.com

-----Original Message-----

From: christos.t.antoniou@verizon.com

[mailto:christos.t.antoniou@verizon.com]

Sent: Wednesday, July 09, 2003 5:33 PM

To: Perkins, Stephen

Subject: Re: VA marketing tactics

Steve,

Further to our calls this afternoon, thanks for raising these matters with me.

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Chris

emailsRev

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(703) 351-3006 (phone)  
(703) 351-3660 (fax)  
christos.tantonou@verizon.com

"Perkins,

Stephen" To Christos T.  
Antoniou/EMPL/VA/Verizon@VZNotes,  
<sparkins@cavtel Jennifer L.  
McClellan/EMPL/VA/Verizon@VZNotes  
com> cc

Subject VA marketing  
tactics  
07/09/2003 03 01  
PM

Chris and Jennifer:

Further to my discussions with Chris about trying to move toward a more normal business relationship, please review the attached and see what you can do (Full version is coming by fax.) Cavalier's business side is quite agitated about this issue, as Verizon marketing reps seem to know that customers are Cavalier customers.

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2134 West Laburnum Avenue  
Richmond, Virginia 23227-4342  
Telephone 804.422.4517  
Fax 804.422 4599  
e-mail. sparkins@cavtel.com

emailsRev

www.cavtel.com

<<mktg-tactics.pdf>>

(See attached file: mktg-tactics pdf)

# **EXHIBIT 5**



GENERAL REGULATIONS TARIFF  
S C C -Va -No 201

Verizon Virginia Inc.

Section 1  
Original Page 30

GENERAL REGULATIONS

E. LIABILITY OF THE TELEPHONE COMPANY

In view of the fact that the customer has exclusive control over the use of service and facilities furnished by the Telephone Company, and because of unavailability of errors incident to the services and to the use of such facilities of the Telephone Company, services and facilities are furnished by the Telephone Company subject to the terms, conditions and limitations herein specified

1 Service Irregularities

The liability of the Telephone Company for damages arising out of mistakes, omissions, interruptions, delays, errors or defects in transmission, or failures or defects in facilities furnished by the Telephone Company, occurring in the course of furnishing service or other facilities and not caused by the negligence of the customer, shall in no event exceed an amount equivalent to the proportionate charge to the customer for the service or facilities affected during the period such mistake, omission, interruption, delay, error or defect in transmission, or failure or defect in facilities continues after notice and demand to the Telephone Company.

When facilities of others are used in establishing connections to points not reached by the Telephone Company's facilities, the Telephone Company is not liable for any act or omission of others furnishing such facilities

2 Claims of Misuse of Service

The Telephone Company shall be indemnified and save harmless by the customer against claims for libel, slander, fraudulent or misleading advertisements or infringement of copyright arising directly or indirectly from the material transmitted over its facilities or the use thereof; against claims for infringement of patents arising from combining or using apparatus and systems of the customer with facilities of the Telephone Company, and against all other claims arising out of any act or omission of the customer in connection with the services and facilities provided by the Telephone Company

3. Directory Errors and Omissions

The liability of the Telephone Company, its contractors, and agents arising from errors in or omissions of Directory Listings for which there is no discrete charge, including such listings in classified directories and listings obtainable from an operator shall be limited to the amount of actual impairment to the customer's service and in no event shall exceed one-half the amount of the fixed monthly charges applicable to Local Exchange Services or Mobile Telephone Services affected during the period covered by directory in which the error or omission occurs

In cases of charged Directory Listings, purchased pursuant to this tariff, including such listings obtainable from an operator, the liability of the Telephone Company, its contractors, and agents shall be limited to an amount not exceeding the amount of charges for the charged listing in listings involved during the period covered by the directory in which the error or omission occurs

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GENERAL REGULATIONS

E. LIABILITY OF THE TELEPHONE COMPANY (Cont'd)

4 Defacement of Premises

The Telephone Company is not liable for any defacement of, or damage to, the customer's premises resulting from the furnishing of service or the attachment of equipment and facilities furnished by the Telephone Company on such premises or by the installation or removal thereof, when such defacement or damage is not the result of negligence of the Telephone Company

5. Facilities and Equipment in Explosive Atmosphere, Hazardous or Inaccessible Locations

The Telephone Company will not provide facilities or equipment in an explosive atmosphere, hazardous or inaccessible location. The network interface will be located outside the hazardous location

6 Service at Outdoor Locations

The Telephone Company reserves the right to refuse to provide, maintain or restore service at outdoor locations unless the customer agrees in writing to indemnify and save the Telephone Company harmless from and against any and all loss or damage that may result to equipment and facilities furnished by the Telephone Company at such locations. The customer shall likewise indemnify and save the Telephone Company harmless from and against injury to or death of any person which may result from the location and use of such equipment and facilities.

7 Certain Use of Customer-provided Equipment

The services furnished by the Telephone Company, in addition to the limitations set forth preceding, also are subject to the following limitation: the Telephone Company shall not be liable for damage arising out of mistakes, omissions, interruptions, delays, errors or defects in transmission or other injury, including but not limited to injuries to persons or property from voltages or currents transmitted over the service of the Telephone Company, caused by customer-provided equipment except where a contributing cause is the malfunctioning of a Telephone Company provided connecting arrangement, in which event the liability of the Telephone Company shall not exceed an amount equal to a proportional amount of the Telephone Company billing for the period of service during which such mistake, omission, interruption, delay, error, defect in transmission or injury occurs, or not prevented by customer-provided equipment but which would have been prevented had Telephone Company provided equipment been used

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GENERAL REGULATIONS

E LIABILITY OF THE TELEPHONE COMPANY (Cont'd)

8 Billed Number Screening

At the option of the Telephone Company, or in response to a customer request, Billed Number Screening will be used to control instances of fraud associated with billed to a third party, station-to-station collect or person-to-person collect messages.

9 Enhanced Universal Emergency Number 911 Service

The Telephone Company is not responsible for any infringement or invasion of the right of privacy of any person or persons, caused or claimed to have been caused, directly or indirectly, by the installation, operation, failure to operate, maintenance, removal, presence, condition, occasion or use of Enhanced Universal Emergency Number 911 Service features and the equipment associated therewith, or by any services furnished by the Telephone Company in connection therewith, including, but not limited to, the identification of the telephone number, address or name associated with the telephone used by the party or parties accessing Enhanced Universal Emergency Number 911 Service, and which arise out of the negligence or other wrongful act of the Telephone Company, the customer, its user, agencies or municipalities, or the employees or agents of any one of them

10. Third Parties

Provision of service to a customer shall not create, nor give to, any third party any claim or right of action against the customer or Telephone Company

F LIMITATIONS AND USE OF SERVICE

1 Use of Customer's Service

The use of service shall be restricted to the customer, the customer's employees and representatives in the case of business service, except as the use of service may be extended for switched data (nonvoice) communications relating directly to the business of Composite Data Service Vendor's patrons who act as their customers; or the customer, the customer's family and persons residing in the customer's household in the case of residence service, except as otherwise specified in the Telephone Company's applicable tariffs. The use of the service may be extended to persons leasing or subleasing a customer's entire residential premises for a period of less than one year.

# **EXHIBIT 6**

# Bankruptcies With Filing Dates From July 1, 1996 Through September 19, 2003

Sequential Item #	Customer Name	Bankruptcy Filing Date
1	Communications Network Corporation a/k/a Conetco	7/1/1996
2	Heartline Communications	7/23/1997
3	Cherry Communications	10/24/1997
4	American Telecommunications Enterprises	2/9/1998
5	International Telemidia	9/1/1998
6	Equalnet Corporation	9/8/1998
7	Worldwide Direct Inc. a/k/a Conquest Telecommunications and its affiliates	1/19/1999
8	USN	2/18/1999
9	Amnrex	5/5/1999
10	Conxus	5/18/1999
11	TeleHub Network Services Corporation	10/27/1999
12	Preferred Carrier	11/18/1999
13	GST Telecom	5/16/2000
14	Net-Tel	9/28/2000
15	Tidalwave Telephone, Inc	10/16/2000
16	PICUS	11/7/2000
17	ICG Communications	11/14/2000
18	TSR Wireless	12/8/2000
19	Digital Broadband	12/27/2000
20	Pacific Gateway	12/29/2000
21	Darwin Networks, Inc. and affiliates	1/11/2001
22	Northpoint Communications	1/16/2001
23	Vitts	2/7/2001
24	Inet Interactive Network System, Ltd. a/k/a Ins Interactive Network System, Ltd	2/9/2001
25	North American Telecom	2/23/2001
26	Omniplex Communications Group	2/28/2001
27	Star Tel, Inc	3/8/2001
28	PT-1 Communications	3/9/2001
29	ConnectSouth Communications, Inc	3/12/2001
30	Star Telecommunications	3/13/2001
31	Advantel/Plan B Communications, Inc	3/16/2001
32	RSL Com USA, RSL Call Prime Com, et al	3/16/2001
33	Jato Communications Corp	3/21/2001
34	e Spire Communications, Inc	3/22/2001
35	Network Two Communications Group d/b/a Weston Information Technologies, Inc. and d/b/a ADP Autonet	3/22/2001
36	ATS Telecommunications Systems, Inc	3/30/2001
37	Pathnet Telecommunications	4/2/2001
38	Empire One Telecommunications	4/2/2001
39	Winstar	4/18/2001
40	World Access, Inc., WorldxChange and affiliates	4/24/2001
41	PointeCom, Inc. and many affiliates	4/27/2001
42	NewPath Holdings, Inc	4/27/2001
43	Viatel and many affiliates	5/2/2001
44	Colo Com	5/8/2001
45	Broadband Office	5/9/2001
46	Onsite Access, Inc., Onsite Access, LLC, Onsite Access Local, LLC	5/16/2001
47	Teligent and 20 affiliates	5/21/2001
48	WebLink Wireless, Inc. d/b/a Pagemart, Inc. and Pagemart Wireless, Inc., Pagemart II, Inc. and Pagemart PCS, Inc	5/23/2001
49	OAN Services, Inc., a/k/a Operator Assistance Network and EDS OAN Services, Inc., plus OAN Services of Florida, Inc. And NTelecom Holdings, Inc	5/25/2001
50	PSINet, Inc. and affiliates	5/31/2001
51	PNI Technologies and its affiliates (including Mercury Communications)	6/8/2001
52	2nd Century Communications, Inc. and affiliates 2nd Century Communications Holdings, Inc. and 2nd Century Communications of Virginia, Inc	6/25/2001
53	Essential com, Inc	6/29/2001
54	Metricom, Inc. and affiliates (Metricom DC, L L C, Metricom Finance, Inc., Metricom Investments DC, Inc., and Metricom New York, L L C)	7/2/2001
55	Axient Communications, Inc. and affiliate, Axient Leasing, L L C	7/3/2001

# Bankruptcies With Filing Dates From July 1, 1996 Through September 19, 2003

Sequential Item #	Customer Name	Bankruptcy Filing Date
56	Star Net Paging, Inc	7/3/2001
57	Comdisco, Inc. and 50 affiliates (which includes Prism among others)	7/16/2001
58	NetRail, Inc	7/25/2001
59	Internet Commerce & Communications, Inc, IdealDial Corporation, Application Methods, Inc et al	7/31/2001
60	Rhythms NetConnections, Inc a/k/a Accelerated Connections, Inc and affiliates Rhythms Links, Inc, Rhythms Links, Inc - Virginia, Rhythms Leasing, Inc and RCanada, Inc	8/1/2001
61	DMJ Communications, Inc	8/1/2001
62	Lineshark Communications, Inc	8/6/2001
63	Servisense.com, Inc	8/20/2001
64	Exodus Communications, Inc and eight affiliates (affiliate names available on request)	9/26/2001
65	Pensat Inc	10/9/2001
66	Ardent Communications, Inc, d/b/a CAIS Internet, Inc, CGX Communications, Inc and CAIS Internet, and Ardent, Inc	10/10/2001
67	Telergy, Inc and its affiliates	10/26/2001
68	Global Broadband, Inc	10/31/2001
69	Sure-Tel, Inc	11/1/2001
70	ParCom Communications	11/3/2001
71	Arch Wireless Communications and its affiliates	11/9/2001
72	Net2000 Communications, Inc	11/16/2001
73	CoServ LLC d/b/a CoServ Communications,	11/30/2001
74	Enron Corporation and its affiliates	12/2/2001
75	Federal TransTel, Inc	12/11/2001
76	Startec Global Communications Corp	12/14/2001
77	Dialpad Communications	12/19/2001
78	Digital Teleport, DTI Holdings, Inc & Digital Teleport of VA	12/31/2001
79	Home Owners Long Distance, Inc	1/8/2002
80	Revenue Communications, Inc	1/15/2002
81	Long Distance Direct, Inc	1/23/2002
82	Global Crossing and its affiliates	1/28/2002
83	Network Plus Corporation	2/4/2002
84	Verado Holdings, Inc (a/k/a First World Communications, SpectraNet Communications and/or SpectraNet International) and its affiliates	2/15/2002
85	Logix Communications Corporation and its affiliate, Logix Communications Enterprises, Inc	2/28/2002
86	Nationwide Communications Inc	3/5/2002
87	Tek Interactive Group Inc	3/5/2002
88	In-Touch Software, Inc	3/11/2002
89	HQ Global Holdings, Inc and its affiliates	3/13/2002
90	Yipes Communications Group and its wholly-owned subsidiaries of Yipes Transmission, Yipes Transmission VA, Yipes Properties, Inc, Yipes Web Services	3/21/2002
91	Adelphia Business Solutions Operations Inc and its affiliates	3/27/2002
92	FNetCorp a/k/a Franklin Datacom Inc	4/5/2002
93	Mpower Communications Corp, Mpower Holding Corp, and Mpower Lease Corp	4/8/2002
94	Lightyear Holding, Inc (a/k/a Unidial Holding Inc)	4/10/2002
95	CRG International, Inc (d/b/a Network One)	4/22/2002
96	Advanced TelCom Group, Inc, Advanced TelCom, Inc, and Shared Communications Services	5/2/2002
97	Metromedia Fiber Network and its affiliates	5/20/2002
98	Teleglobe Inc and its affiliates	5/28/2002
99	Metrocall, Inc and its affiliates	6/3/2002
100	Network Access Solutions Corp (a/k/a NAS and NASC) and its subsidiary NASOP, Inc	6/4/2002
101	(11) additional affiliates of Adelphia (naming it Adelphia 2)	6/18/2002
102	Neon Communications Inc and Neon Optics Inc	6/25/2002
103	Adelphia Communications Corporation (ACC) and its affiliates (naming it Adelphia 3)	6/25/2002
104	Log On America, Inc	7/12/2002
105	WorldCom Inc and its subsidiaries	7/21/2002
106	Telecarrier Services Inc (a/k/a NSI Communications Services)	7/29/2002
107	Tagris Corporation	7/30/2002
108	Network Services, LLC	8/1/2002
109	Devon Mobile Communications LP	8/19/2002

# Bankruptcies With Filing Dates From July 1, 1996 Through September 19, 2003

Sequential Item #	Customer Name	Bankruptcy Filing Date
110	Cybertron, Inc f/k/a Cyber Cities Technologies, Inc and Cyber City Honolulu and Cyber City Maui	8/21/2002
111	Amerion LLC f/k/a Boss Technologies LLC	9/20/2002
112	Cambrian Communications LLC	9/20/2002
113	CTC Communications Group Inc and CTC Communications Corp	10/3/2002
114	Supra Telecommunications d/b/a Supra Telecommunications and Information Systems Inc	10/23/2002
115	R-Tex Communications Group Inc	11/12/2002
116	Interplus, Inc d/b/a Argotech Business Systems	11/22/2002
117	Genuity Inc	11/27/2002
118	Southwestern Broadband Holdings Inc f/k/a IP Communications Holdings Inc	12/6/2002
119	Focal Communications Corporation	12/19/2002
120	Advanced Telecommunications Network, Inc	1/10/2003
121	IG2 Inc f/k/a Computer Business Sciences Inc	1/15/2003
122	BroadbandNow Texas Inc	2/3/2003
123	DSL Designs Inc	2/14/2003
124	TalkingNets Inc and its affiliates	2/19/2003
125	iPCS Wireless Inc	2/23/2003
126	Superior TeleCom Inc	3/3/2003
127	Ntelos Inc f/k/a CFW Communications Company	3/4/2003
128	NOW Communications Inc	3/4/2003
129	W G I Communications Inc d/b/a Boomerang Communications Inc	3/18/2003
130	Big Net Holdings Inc	3/28/2003
131	Stargate Net Inc and its affiliates	4/7/2003
132	Leap Wireless International Inc , Cricket Communications Inc , and their affiliates	4/13/2003
133	Lightband Communications International Inc	4/22/2003
133	Swiftcomm, Inc	5/2/2003
134	Duro Comm Corp a/k/a Volaris Online	5/8/2003
135	SunTel Communications LLC and its affiliates	5/9/2003
136	Allegiance Telecom Inc and its affiliates	5/14/2003
137	FASTNET Corporation	6/10/2003
138	Touch America Holdings Inc and its affiliates	6/19/2003
139	In Touch Communications Inc	8/1/2003
139	Cypost Corp d/b/a/Connect NW, d/b/a Internet Arena	8/1/2003
140	RFB Cellular, Inc d/b/a/ Cellular One of Northeast Michigan, a/k/a Alpine PCS, Inc	8/5/2003
141	Horizon PCS, Inc , Horizon Personal Comm , & Bright Personal Comm Services	8/15/2003
142	ProSpeed Net Inc	8/19/2003
143	Ciera Network Systems, Inc	8/28/2003
144	Comm South Companies, Inc	9/19/2003